

PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2020 RESPONSE FORM

As part of the production of the Local Development Plan, a 'Main Issues Report' was published in January 2019. The responses from these consultations have helped to inform the content of the Proposed Local Development Plan ("the Proposed Plan").

The Aberdeenshire Local Development Plan will direct decision-making on land-use planning issues and planning applications in Aberdeenshire for the 10-year period from 2021 to 2031. The Proposed Plan was agreed by Aberdeenshire Council in March 2020 as the settled view of the Council. However, the Proposed Plan will be subjected to an independent examination and is now open for public comment.

This is your opportunity to tell us if anything should be changed in the Proposed Plan, and why.

When writing a response to the Proposed Plan it is important to specifically state the modification(s) that you would wish to see to the Plan.

This is the only remaining opportunity to comment on the Proposed Plan. The reasons for any requested changes will be analysed and reported to Scottish Ministers. They will then appoint a person known as a Reporter to conduct a public examination of the Proposed Plan, focusing particularly on any unresolved issues and the changes sought.

Ministers expect representations (or responses) to be concise (no more than 2000 words) and accompanied by limited supporting documents. It is important to ensure that all of the information that you wish to be considered is submitted during this consultation period as there is no further opportunity to provide information, unless specifically asked.

Please email comments to ldp@aberdeenshire.gov.uk or send this form to reach us by 31 July 2020*.

We recommend that you keep a copy of your representation for your own records.

**UPDATE 16 June 2020: Consultation period was extended from 17 July 2020 for a further two-week period.*



ACCESSIBILITY

If you need information from this document in an alternative language or in a Large Print, Easy Read, Braille or BSL, please telephone 01467 536230.

Jeigu pageidaujate šio dokumento kita kalba arba atspausdinto stambiu šriftu, supaprastinta kalba, parašyta Brailio raštu arba britų gestų kalba, prašome skambinti 01467 536230.

Dacă aveți nevoie de informații din acest document într-o altă limbă sau într-un format cu scrisul mare, ușor de citit, tipar pentru nevăzători sau în limbajul semnelor, vă rugăm să telefonați la 01467 536230.

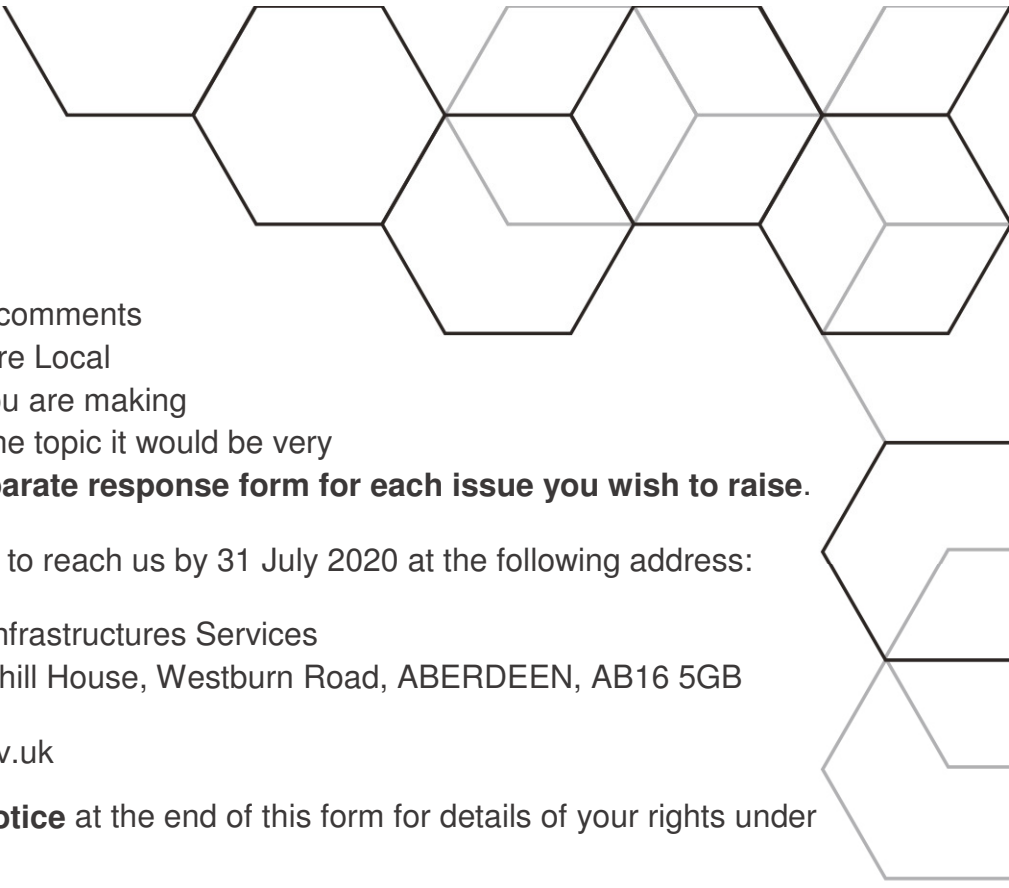
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

Ja jums nepieciešama šai dokumentā sniegtā informācija kādā citā valodā vai lielā drukā, viegli lasāmā tekstā, Braila rakstā vai BSL (britu zīmju valodā), lūdzu, zvaniet uz 01467 536230.

Aberdeenshire Local Development Plan
Woodhill House, Westburn Road, Aberdeen, AB16 5GB

Tel: 01467 536230
Email: ldp@aberdeenshire.gov.uk
Web: www.aberdeenshire.gov.uk/ldp
Follow us on Twitter @ShireLDP

If you wish to contact one of the area planning offices, please call 01467 534333 and ask for the relevant planning office or email planning@aberdeenshire.gov.uk.



Please use this form to make comments on the Proposed Aberdeenshire Local Development Plan 2020. If you are making comments about more than one topic it would be very helpful if you could fill in **a separate response form for each issue you wish to raise**.

Please email or send the form to reach us by 31 July 2020 at the following address:

Post: Planning Policy Team, Infrastructures Services
Aberdeenshire Council, Woodhill House, Westburn Road, ABERDEEN, AB16 5GB

Email: ldp@aberdeenshire.gov.uk

Please refer to our **Privacy Notice** at the end of this form for details of your rights under the Data Protection Act.

YOUR DETAILS

Title:	Mr
First Name:	John
Surname:	Wright
Date:	31/07/2020
Postal Address:	████████████████████
Postcode:	██████
Telephone Number:	██████████
Email:	████████████████████████████████

Are you happy to receive future correspondence only by email? **Yes** ☐ ☐

Are you responding on behalf of another person? **Yes** ☐ ☐

If yes who are you representing? **Corsindae Estate**

☐ Tick the box if you would like to subscribe to the Aberdeenshire LDP eNewsletter: **Yes**

An acknowledgement will be sent to this address soon after the close of consultation.

YOUR COMMENTS

Please provide us with your comments below. We will summarise comments and in our analysis will consider every point that is made. Once we have done this we will write back to you with Aberdeenshire Council's views on the submissions made. We will publish your name as the author of the comment, but will not make your address public.

Modification that you wish to see (please make specific reference to the section of the Proposed Plan you wish to see modified if possible, for example Section 9, paragraph E1.1):

Delete all reference to Midmar Housing Allocation OP1 (12 houses) from the LDP, tables, settlement statement and inset maps.

Reason for change:

Whilst we have raised all of these issues previously, and are frustrated at having to make further submissions in respect of this issue, we set out again our updated reasoning for seeking this change as it appears from the Councils report (Sept 2019 Garioch Area Committee Report – Issue 113 Midmar) that our submissions were not referenced in that report. We hope that this will be acknowledged this time by the Council, or through the Examination process by the Reporter.

Despite our MIR Representations, the Council continue to take the view;

- *There does not appear to be a project in place to deliver a public garden* – Had the Council read our representations to the MIR, they would have been provided with all of the information necessary to see that there is a project consented for this, to be delivered by the developer of the adjacent housing, to protect the setting of this edge of Midmar. All of this information is available on the Councils planning portal. Enforcement action has been sought.
- *That it is appropriate to remove a protected area designation and abandon a long term aspiration on this basis* – This is probably the first time that we have seen the Council themselves propose to remove a protected area designation from the Local Plan or LDP without significant justification by the promoter of the land.
- *That there will need to be a reduction in the previously considered number of houses “given the landscape buffer likely to be required”* – this is reflected in the significant planting proposed in the application for the adjacent housing, which is consented and secured by Condition and reflected in the P4 designation.

The OP1 site (previously P4 in the Adopted Local Plan “*for landscaping with adjoining site, and the development of public gardens adjacent to the village hall*”) has a reasonably complex planning history. The most recently granted consent for housing on this site, which has been implemented, is APP/2014/0148 (for 9 substantial houses). Whilst the housing is in the process of being built out, the layout plan consented very clearly shows a network of footpaths and “*new trees*” being planted (mix of standard and heavy standard, with native hedging along the northern and south

eastern boundaries) and public gardens being provided on the area currently identified as OP1 for housing.

This part of the development was subject to Condition 5 on planning ref 2014/0148, and if not yet delivered, means that the developer is currently in breach of Condition 5. The planting should have been implemented during the planting season immediately following the commencement of development and the penultimate house not occupied until the landscaping, footpaths and public gardens have been completed to the satisfaction of the planning authority. This was described in the Applicants Design Statement as “*a significant landscape buffer of 7,280sqm will be provided to the north east boundary to protect the setting of the area*” and it is on this basis that the proposal was considered acceptable and permission granted. At the time of that application, this area was still designated in the same way (i.e. protected area). We understand that the Councils Enforcement Team is currently investigating the position, but also that the owner is in discussion with the development management team about a revised and reduced public garden and landscaping scheme (no application has been submitted as yet – and from the response to the LDP is likely to be subject to significant local objection). We feel that, if the currently consented 9 houses are not viable, then perhaps the focus should be on amending the currently consented housing site for a more representative mix of housing tailored to the local market, before abandoning the public gardens and landscaping scheme.

Members of the Community have recently applied for a “Men’s Shed” within the boundary of the current Village Hall. The village hall is a well-used and valued local facility, and some of the uses (particularly in the evenings or possibly noisy events) could be put in jeopardy by introducing potential objectors in close proximity, which would be very undesirable from a community perspective.

The Councils reasons stated in the MIR for favouring the OP1 site (MIR Ref GR047) for an additional 10 houses (at the time) stated that “*there does not appear to be a project in place to deliver this*” (i.e. the footpaths, planting and public gardens) and therefore “*it would be appropriate to consider alternative options for this land*”. We would suggest that, from the Planning Permission in place, there is a project consented for this which is required to be completed prior to the occupation of the last house. The Communities aspirations (to sustain the school roll) can be achieved on another site within the settlement which is not subject to a planning consent for landscaping and public gardens to protect the setting of the area. Please see our objection seeking a new site at Midmar for housing development.

This site therefore fails the test of effectiveness (PAN 2/2010) in terms of “land use” as there is a preferred, consented and deliverable, scheme for public gardens and landscaping which is protected in the Local Plan and will help achieve the priorities for the settlement.

PRIVACY NOTICE

LOCAL DEVELOPMENT PLAN PUBLIC COMMENT

The Data Controller of the information being collected is Aberdeenshire Council.

The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AY.

Email: dataprotection@aberdeenshire.gov.uk

Your information is being collected to use for the following purposes:

- To provide public comment on the Aberdeenshire Local Development Plan. The data on the form will be used to inform Scottish Ministers and individual(s) appointed to examine the Proposed Local Development Plan 2020. It will inform the content of the Aberdeenshire Local Development Plan 2021.

Your information is:

Being collected by Aberdeenshire Council	X
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The Legal Basis for collecting the information is:

Personal Data	
Legal Obligations	X

Where the Legal Basis for processing is either Performance of a Contract or Legal Obligation, please note the following consequences of failure to provide the information:

It is a Statutory Obligation under Section 18 of the Town and Country (Scotland) Act 1997, as amended, for Aberdeenshire Council to prepare and publish a Proposed Local Development plan on which representations must be made to the planning authority within a prescribed period of time. Failure to provide details requested in the 'Your Details' section of this form will result in Aberdeenshire Council being unable to accept your representation.

Your information will be shared with the following recipients or categories of recipient:

Members of the public are being given this final opportunity to comment on the Proposed Aberdeenshire Local Development Plan. The reasons for any changes that the Council receives will be analysed and reported to Scottish Ministers. They will then appoint a person to conduct a public examination of the Proposed Plan, focusing particularly on the unresolved issues raised and the changes sought.

Your name and respondent identification number (provided to you by Aberdeenshire Council on receipt of your

submission) will be published alongside a copy of your completed response on the Proposed Local Development Plan website (contact details and information that is deemed commercially sensitive will not be made available to the public).

In accordance with Regulation 22 of the Town and Country (Development Planning) (Scotland) Regulations 2008 where the appointed person determines that further representations should be made or further information should be provided by any person in connection with the examination of the Proposed Plan the appointed person may by notice request that person to make such further representations or to provide such further information.

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

Not applicable.

The retention period for the data is:

Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue to retain your information for a longer period. A redacted copy of your submission will be retained for 5 years beyond the life of the Local Development Plan 2021, possibly until 2037.

The following automated decision-making, including profiling, will be undertaken:

Not applicable.

Please note that you have the following rights:

- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- to data portability, where the legal basis specified above is:
 - (i) Consent; or
 - (ii) Performance of a Contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.

